

EXHIBIT

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

BEFORE THE HONORABLE KEVIN DOYLE
UNITED STATES DISTRICT JUDGE

** ROUGH DRAFT **

TRIAL TESTIMONY OF DR. ROBERT BANCROFT

APPEARANCES:

For the Plaintiff:

ERIC JONES
GEOFFREY J. VITT
SARAH H. NUNAN

For the Defendants:

DONALD W. SCHROEDER
MORGAN McDONALD
TRISTRAM J. COFFIN

1 years of creditable service, and then some percentage.

2 And she was able to be grandfathered into that.

3 Dartmouth, at that time, in that 2017 period, was
4 moving to a defined contribution where she would put in
5 an X amount of money every year into an account.

6 Q What I'm hearing you say is that Dr. Porter qualified
7 for a defined benefit plan at Dartmouth-Hitchcock,
8 right?

9 A Yes, she did.

10 Q And if she had remained at Dartmouth-Hitchcock, she
11 would have been eligible to receive the payments under
12 that plan, correct?

13 A Yes.

14 Q And did you calculate -- I realize it's not reflected
15 in the report, but did you calculate what would have
16 been the payment to her yearly if she retired when she
17 was 65 under the terms of that plan?

18 A I did at 65. I did it for several years.

19 Q All right.

20 A I looked at if she retired at 65. I actually looked at
21 it earlier. There's a reduction in your benefits if
22 you retire before 65.

23 MR. COFFIN: Objection, Your Honor. If we
24 could approach, please?

25 THE COURT: Yes.

1 (Bench conference.)

2 MR. COFFIN: The fact that she would lose a
3 pension is nothing that was raised in the report. And,
4 in fact, our evidence is that she is going to get a
5 pension. She would get a pension that is somewhat
6 smaller than if she had stayed at Dartmouth but
7 prorated, based on her contributions and her years
8 there. So for him to -- if you would, please. For him
9 to, at the very last minute, offer all these changes in
10 this report that this is a new undisclosed expert
11 opinion is improper.

12 THE COURT: Go ahead.

13 MR. VITT: This was simply predicate for to
14 get Dr. Bancroft to say, essentially, that the
15 calculation in that report reflects the damages. We
16 are not asking for any more. It was simply an example
17 of why there is -- in the report, there is an analysis
18 that reflects the loss of the retirement benefit. It's
19 already in there. It's baked into those numbers, so
20 I'm not saying that there's an additional loss. It's
21 simply saying, okay, what would she have received,
22 having calculated that it is reflected in the report.

23 MR. COFFIN: It is not spelled out as such in
24 the report so it's completely opaque. It should have
25 been noticed early. And, in addition, I think it's